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UNCLAS BUCHAREST 00008

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ACTION: CON

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FM AMEMBASSY BUCHAREST

TO RUEHC/SECSTATE WASHDC PRIORITY 9987

INFO RUEHFR/AMEMBASSY PARIS 0144

RUEHBS/USEU BRUSSELS

RUEHMD/AMEMBASSY MADRID 1580

RUEHRO/AMEMBASSY ROME 0672

UNCLAS SECTION 01 OF 02 BUCHAREST 000008

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FOR CA/OCS/CI-MICHELLE BERNIER-TOTH, EUR/NCE-BILL SILKWORTH

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SUBJECT: ADOPTIONS

SUMMARY

1. On December 30, Consul General paid a final call on Gabriela Coman, outgoing Secretary of State at the National Authority for Child Protection and Adoptions (NACPA). Coman reported her discussions with the European Commission regarding a proposed commission on Romanian-origin international adoptions. There has been little movement on the issue and it will depend on the new Romanian government whether the concept moves forward.

2. Coman explained the reorganization of Romania's adoption and child welfare agencies under the new adoption law that takes effect on January 1. As of that date, all domestic and international adoptions will be handled by the new Romanian Office for Adoptions (Oficiu Roman pentru Adoptii) in the General Secretariat of the Government. The new law will not/not increase the likelihood that children formerly identified for inter-country adoption would be reassigned for domestic adoption, Coman said.
END SUMMARY.

COMAN LEAVES OFFICE

3. On December 30, Consul General paid a final call on Gabriela Coman, Secretary of State for the National Authority for Child Protection and Adoptions (NACPA). Coman was a political appointee under the previous government, and will depart office the week of January 3. As an outgoing official she could not speak with authority regarding the plans and intentions of the new government, but she provided useful details on discussions regarding a proposed commission to review international adoptions pending here, and on the reorganization of Romania's adoption and child welfare agencies.

IMPACT OF NEW LAW ON MATCHES WITH U.S. FAMILIES

4. CG conveyed to Coman concerns, expressed by U.S. families with pending adoption cases, that after January 1 the new law virtually banning inter-country adoptions will prompt the GOR to revoke the matches it had made between those families and specific Romanian orphans and abandoned children, directing them instead towards domestic adoption. CG cited a recent report from the Greek Embassy here that this had happened in the case of a Greek couple seeking to adopt a Romanian child. Coman said that there would be no change due to the new law. She explained that it has always been explicit that a Romanian court could, up to the last minute, direct domestic adoption for a child who previously had been matched for international adoption. Of the approximately one thousand cases of inter-country adoption

out of Romania processed in the last four years, she said, this had happened in fifteen cases, of which one was American.

PROPOSED INTERNATIONAL COMMISSION ON ADOPTIONS FROM ROMANIA

15. Coman reported there had been little progress towards establishment of an international commission to consider the disposition of pending applications by foreigners to adopt Romanian children, since former Prime Minister Nastase and French PM Raffarin proposed the commission October 18. Coman said she discussed the concept with European Commission officials in Brussels November 28-29, at the time the European Union (EU) voted to accept the EU Rapporteur's report on Romanian accession to the EU. Those discussions were in accordance with PM Nastase's statement on October 18 that any commission would have to be established in consultation with the EU. Coman highlighted the fact that the EU approved the Rapporteur's report including an amendment by Spain that endorsed the establishment of such a commission.

16. In her EC discussions, Coman reported, nothing was set in place but various options were considered, including possible involvement in the commission of EU experts who had advised Romania on the drafting of the June law virtually banning international adoptions. It was left open whether the commission would be limited to setting parameters for which types of cases could be considered for processing to conclusion, or would be authorized to have access to and make decisions on individual cases. Coman favored the former model, but said the new Secretary of State of the ROA would have to pick which approach to recommend.

REORGANIZATION

17. Coman explained that, in compliance with the new law on adoptions passed in June 2004, as of January 1, 2005 NACPA will be divided into two entities. This organizational change will not, in itself, change policy on the processing of adoptions. The Romanian Office of Adoptions (ROA) will be created within the General Secretariat of the Government and be responsible for all domestic and international adoption issues. The National Authority for Protection of Children's Rights (NAPCR) will be within the Ministry of Labor, Social Solidarity and Family, as was the NACPA, and be responsible for general child welfare.

18. The Romanian Committee for Adoption will cease operation on January 1. At the local level, the Child Protection Departments are being combined with the Social Assistance Service into General Directorates for Child Protection and Social Assistance.

THE NEW ROMANIAN OFFICE FOR ADOPTIONS

19. Establishing and launching the work of the ROA should take several weeks, Coman predicted. Between January 1-10, the new Secretary General of the Government, Mihai VOIBU, is expected to name a Secretary of State to run the ROA. So far, no location has been identified for the ROA. Selection of staff will await the selection of the Secretary of State, who may choose some staff from among those at NACPA, or not. Physical files for adoptions will move from NACPA to the ROA's eventual facility. ROA may work out of NACPA for an initial period. Its budget will come from the General Secretariat of the Government. Coman predicted the ROA would

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enjoy greater autonomy than had the NACPA, by virtue of being out from under a Ministry and by being bureaucratically closer to the Prime Minister's office.

BIOGRAPHICAL INFORMATION

10. Coman said she does not yet know what her next job will be. She expressed hope and concern that any interruptions in government services due to the long process of electing and changing the government would not have a negative impact on social service clients.

11. Coman said the new General Secretary of the Government, Mihai VOIBU, was a young man not known to have a background on adoptions or social welfare issues, but rather was an official of the National Liberal Party (PNL).

CROUCH